

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

MEMORANDUM DECISION

NUMBER 61-1599 (a17456))

Change Application Number 61-1599 (a17456), in the name of Elk Ridge Estates Water Company, was filed on June 21, 1993, to change the point of diversion, place of use, and nature of use of 16.5 acre-feet of water. Heretofore, the water has been diverted from Castle, Minnie or Little Creek and unnamed springs, located: South 100 feet and East 2180 feet from the NW Corner of Section 36, T37S, R6W, SLB&M; South 1410 feet and West 110 feet from the NW Corner of North of Section 1; 1520 feet and East 750 feet from the SW Corner of Section 1; South 2520 feet and East 460 feet from the NW Corner of Section 1; East 1320 feet from the W $\frac{1}{4}$ Corner of Section 1; North 1830 feet and West 240 feet from the SW Corner of Section 2; South 1090 feet and East 2480 feet from the SW Corner of Section 2; North 1410 feet and West 160 feet from the NE Corner of Section 2; South 1980 feet and West 660 feet from the NE Corner of Section 9; South 1430 feet and East 1200 feet from the NW Corner of Section 10; South 1450 feet and East 1210 feet from the NW Corner of Section 10; North 690 feet and East 2320 feet from the SW Corner of Section 12, all of T38S, R6W, SLB&M, and used for the irrigation of 379.20 acres in Section 25; Section 36, T37S; R6W, SLB&M; Section 1; Section 2; Section 3; Section 10, T38S, R6W, SLB&M.

Hereafter, it is proposed to divert 16.5 acre-feet of water from underground water, located (1) North 600 feet and East 800 feet from the SW Corner of Section 16, an eight inch well, 515 feet deep (2) North 1615 feet and East 286 feet from the S $\frac{1}{4}$ Corner of Section 22, T38S, R6W, SLB&M, a four inch well, 400 feet deep, to be used for the domestic purposes of 66 families in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T38S, R6W, SLB&M.

The application was advertised in The Garfield County News from July 8, 1993, to July 22, 1993, and was not protested.

A field examination of this proposed change was conducted by a representative of the State Engineer. Based on this examination it is the opinion of the State Engineer that the applicant has a valid water right with which to make this change and that an irrigation duty of 2.0 acre-feet of water per acre of land is a realistic figure considering the location of the land. The return flow pattern should not be significantly altered as a result of this change considering the location and new use of the recreational development.

It is, therefore, **ORDERED** and Change Application Number 61-1599 (a17456) is hereby **APPROVED** subject to prior rights and with the following conditions:

- 1) The amount of water diverted by the applicant from the well shall be limited to 16.5 acre-feet annually.
- 2) The applicant shall install permanent totalizing meters on the wells which shall be made available for inspection and regulation at all times to the State Engineer or his representative.
- 3) All costs incurred by this change shall be borne by the applicant.

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This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 18th day of November, 1993.

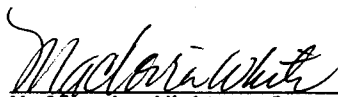

Robert L. Morgan, P.E., State Engineer

RLM:KF:mw

Mailed a copy of the foregoing Memorandum Decision this 18th day of November, 1993, to:

Elk Ridge Estates Water Company
P.O. Box 1424
St. George, UT 84770

Ray Owens
River Commissioner
280 North 100 East
Joseph, UT 84729

BY: 
Maclovio White, Secretary